

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Tea School District
Accountability Review - Focus Monitoring Report 2010-2011

Team Members: Donna Huber, Team Leader; Linda Shirley, Dustin Hinckley and Chris Sargent, Education Specialists; Becky Cain, Office of Special Education Programs, Bev Petersen, Transition Liaison, and Jim Dunston, Peer Mentor.

Dates of On Site Visit: April 12 and 13, 2011

Date of Report: June 30, 2011

3 month update due: September 30, 2011

Date Received: September 30, 2011

6 month update due: December 30, 2011

Date Received: December 2, 2011

9 month update due: March 30, 2012

Date Received: February 1, 2012 and March 15, 2012

Closed: March 20, 2012

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance.(Reference-ARSD 24:05:20:20.)

1) GENERAL SUPERVISION

Present levels: November 16, 17 & 18, 2005

ARSD 24:05:22:03. Certified child.

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of three who are in need of prolonged assistance.

The monitoring team concluded three students enrolled in the district did not have evaluation data that supported eligibility in compliance with child find and child count requirements. Information was provided to the district's Special Education Director pertaining to the students for immediate action.

Follow-up: April 12 and 13, 2011

Finding: No systemic findings.

2) GENERAL SUPERVISION

Present levels: November 16, 17 & 18, 2005

ARSD 24:05:25:03 Preplacement evaluation

Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted. Evaluations must be completed within 25 school days after receipt by the district of signed parent consent unless other timelines are agreed to by school administration and the parent.

During file reviews, the monitoring team found several prior notices for the initial evaluation of preschool age children stated the reason for the proposed action was due to parental concerns of their child's development. The team determined preschool age students were consistently evaluated using the cognitive section the Battelle cognitive and speech/language tests. When eligible, the student's received Speech/Language services only. Consideration was not given to the preschool age students social and emotional, adaptive functioning and/or physical development. In interviews, the monitors were informed this procedure was used to make it easier for children to transition to Kindergarten without the need for further evaluation. Children age three through five assessed in those additional areas may qualify as having a Developmental Delay; however, on or before the age of six, the student must be reevaluated.

Follow-up: April 12 and 13, 2011

Finding: No systemic findings

3) GENERAL SUPERVISION

Present levels: November 16, 17 & 18, 2005

ARSD 24:05:04 Evaluation procedures

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about a child, including information provided by the parents that may assist in determining whether the child is a child with a disability.

The monitoring team was not able to validate the committee's decision that the district needs to improve functional assessment evaluations, with the exception of speech/language evaluations. The team concluded all speech/language assessments included a functional assessment component, and the functional skills were documented in written reports. With that exception, the team reviewed nine student files that lacked functional assessment information. In interviews with special education instructors, they were unsure which assessment tools and strategies provided functional assessment information. They were also not aware a written report of the functional assessment data is a requirement.

The child is assessed in all areas related to the suspected disability, including, as applicable, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Through file reviews and interviews, the monitoring team did not validate that eight children were assessed in all areas of suspected disability as follows; (1) autism evaluations were not found for two children diagnosed with the disorder, (2) no behavioral evaluations were completed for three students although behavioral concerns were addressed in the students' present levels of performance, (3) two student prior notices for evaluation indicated fine motor assessments would be completed, which were not determined to be given, and, (4) no adaptive behavior assessment data was found in an evaluation for a student suspected of having a mental disability.

Follow-up: April 12 and 13, 2011

Finding: In eleven of forty-two files reviewed, the monitoring team determined the Tea School District did not conduct skill based assessment in all areas the student was determined to be eligible in. The district's primary focus was to conduct skill based assessments in primarily the academic area rather than also conducting skill based assessments in such areas as behavior or receptive language when a comprehensive evaluation would warrant such evaluations. For example, students determined to be eligible under the disability category of 560 did not have a behavior or language skill based assessment conducted, therefore the IEP was not developed to address all areas of the student's disability/disabilities. In two files in which the students were determined eligible under the disability category of 515, there were no skill based assessments conducted in the area of hearing or receptive language, therefore the IEP was developed to address primarily articulation only. Although the above examples reflect specifically two disability categories, lack of skill based assessment was evident across all disability categories except for students identified as 550 only.

Because the purpose of skill based assessment is to assist the IEP team to determine specific strengths and needs the student has in order to develop an IEP to address the student's area/s of disability, it is important for the Tea School District to consistently conduct skill based assessment and summarize those results in a report which reflects specific skills, the source of the report and the date in which it was written.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1) District special education staff will attend IEP training. Data Collection: 1) District will report the date of the training, the presenters and the name and title of each special education staff that attended the training.	September 9, 2011	Special Education Director and staff	Completed August 30, 2011
Activity/Procedure: 2) District will conduct skill based assessments in each area the student is eligible in and/or in each area the student's IEP addresses. Data Collection: 2) Each special education teacher (EC, K-12) will submit the following for the reporting period: a) Eligibility Document b) Skill based assessment reports which reflect the date and source of the information along with the skill specific strengths and needs of the student c) Corresponding IEP	August 20, 2012	Special Education Director and staff	Completed April 2, 2012

3 month Progress Report:

- 1) 14 of 14 Tea special Education Staff attended the IEP training in Sioux Falls on August 30, 2011. Presenters were Chris Sargent and Rita Pettigrew.

2) No submissions at this time

6 month Progress Report:

- 1) **Completed September 2011**
- 2) **7 of the 13 special education staff submitted the above required material and all met requirement. These 7 staff members will not need to submit additional material.**

9 month Progress Report:

- 1) **Completed September 2011**
- 2) **An additional 4 teachers submitted the above required material and all met requirement. These 4 teachers will not need to submit any additional material. Currently 11/13 teachers have proven continued correction.**

2nd 9 month Progress Report:

- 1) **Completed September 2011**
- 2) **The remaining 2 teachers submitted the above required material and all met requirement. Therefore 13/13 teachers have shown continued correction. Completed**

4) GENERAL SUPERVISION

Present levels: November 16, 17 & 18, 2005

ARSD 24:05:27:01:01 IEP team

Each school district shall ensure that the IEP team for each student with disabilities includes the following members: parents of the student; a regular education teacher; a special education teacher of the student; and, a representative of the district who is qualified to provide or supervise the provision of specially designed instruction to meet the needs of students with disabilities, is knowledgeable about the general curriculum and is knowledgeable about the availability of resources of the school district.

The monitoring team concluded required members did not attend all student IEP meetings. Through file reviews, the team found a representative for the district was not in attendance at four IEP meetings, and a regular education teacher did not attend an IEP meeting.

ARSD 24:05:27:01:03 Content of Individualized Education Plan

Present levels of performance:

A student's IEP must contain a statement of the student's present levels of performance. The present level of performance should be a reflection of the functional assessment information gathered during the comprehensive evaluation. In addition, how the child's disability affects his/her progress in the general curriculum must be addressed.

In 23 of 44 student files reviewed by the monitoring team, the present levels of performance did not contain skill based functional assessment information in the present levels of performance or how the student's disability affected his/her involvement and progress in the general curriculum.

Annual goal and short-term objectives:

Annual goals must be measurable and reasonable for the student to accomplish within in one-year timeframe.

The monitoring team concluded 11 student files did not have measurable annual goals. Annual goals consistently included the words "improve" and "increase", which are not measurable. An example is, "I will improve my study skills through the following objectives with 80% accuracy." In addition, some annual goals were written from content standards; for example, "... with verbal assistance, in a structured activity, will preview text structure and text features to determine content and apply comprehension strategies to construct meaning from literary and content area text on three of five assignments."

The annual goal or short-term objectives must also address the condition, performance, and criteria.

The condition (i.e., when, where, how) was not documented consistently in the files reviewed by the team; for example, short objectives for an annual goal in a student IEP had five short-term objectives with only one stating the condition.

ARSD 24:05:27:01:02 Development, review, and revision of individualized education program

In developing, reviewing, and revising each student's individualized education program, the team shall consider, in the case of a student whose behavior impedes his or her learning or that of others, strategies, including behavioral interventions, strategies, and supports to address that behavior.

In the review of six student files, the monitoring team noted that the students' evaluations included behavioral assessment data and their present levels of performance addressed behavioral concerns affecting the students' educational performance. When the IEPs were developed for these students, the team checked "No" for the question of whether the child's behavior impedes learning, and there was no documentation of positive behavioral interventions and/or supports to address the student behaviors.

ARSD 24:05:27:01.03. Content of individualized education program

Configuration of service:

A statement of the special education and related services and supplementary aids and services to be provided to the student is to be documented in the IEP. The public agency must ensure that all services set forth in the child's IEP are provided, consistent with the child's need as identified in the IEP.

Through a review of student files, the monitoring team found the specific special education services to be provided were not included in 28 of the 44 files reviewed. The IEPs stated "Special education services." The statement did not identify the specific service (i.e., reading, math, writing) needed by the child.

ARSD 24:05:27:13.02 Transition services

Transition services are a set of coordinated activities for the student designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

The monitoring team reviewed six transition age student files. Two student IEPs did not have the transition pages, and the pages were not found during the on-site review. The team also noted the course of study on three of the transition IEPs was incomplete.

Follow-up: April 12 and 13, 2011

Findings:

ARSD 24:05:27:01:01 IEP team membership: No systemic findings

ARSD 24:05:27:01.03. Content of individualized education program

1) PLAAFP – no systemic findings

2) Annual goals – no systemic findings

3) Considerations of Special Factors: Does the student's behavior impede his or her learning or that of others, strategies, including behavioral interventions, strategies, and supports to address that behavior.

In five files in which the student's behavior was evaluated as part of a comprehensive evaluation, this section of the IEP was not adequately addressed. Either it was not addressed or the IEP team simply reiterated the areas of concern but did not document what strategies were being used to address the behaviors.

4) Configuration of service

No systemic findings

5) Transition

No findings.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1) District special education staff will attend IEP training. Data Collection: 1) District will report the date of the training, the presenters and the name and title of each special education staff that attended the training. Activity/Procedure:	September 9, 2011	Special Education Director and staff	Completed August 30, 2011

<p>2) District will correctly document strategies the district is implementing to address a student's behaviors under the Considerations of special factors section of the IEP any time behaviors are evaluated, identified on the PLAAFP, and/or the student is a student with a disability in the area of 560, 505, or 555</p> <p>Data Collection:</p> <p>2) Each special education teacher (EC, K-12) will submit the following for the reporting period:</p> <p>a) One IEP (preferably one in which behaviors were evaluated, but if not then any IEP will be acceptable)</p> <p>b) Corresponding evaluation/reevaluation reports</p>	August 20, 2012	Special Education Director and staff	Completed April 2, 2012
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3 month Progress Report:

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6 month Progress Report:

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9 month Progress Report:

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2nd 9 month Progress Report:

- 1) Completed September 2011
- 2) The remaining 2 teachers submitted the above required material and all met requirement. Therefore 13/13 teachers have shown continued correction. Completed

5) GENERAL SUPERVISION

Present levels: April 12 and 13, 2011

Findings:

ARSD24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;

Through file review, the monitoring team determined in eleven of forty-two files when the district provided prior notice consent for evaluation/reevaluation they did not consistently provide the parent with all the information regarding what areas would be evaluated and what previous evaluations would be pulled forward, if any, in order to determine eligibility or continued eligibility. In some situations, areas were evaluated without consent because the district failed to list all the areas on the prior notice consent; in some instances, consent was received but then an area was not evaluated; and in some instances, previous evaluation results/diagnosis were pulled forward but the district did not identify the evaluation, the date of the evaluation or the assessment area on the prior notice consent.

Some examples include the following:

- 1) In file 23- the area of articulation was evaluated without consent.
- 2) In file 22, the district had consent to evaluate in the area of behavior but did not evaluate it. But then evaluated the areas of fine motor and sensory without consent.
- 3) In file 15 the prior notice consent did not indicate the 2009 medical diagnosis was being pulled forward as part of the reevaluation process or for determining eligibility.

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Activity/Procedure: 2) District will correctly complete all Prior Notice Consent forms for evaluation/reevaluation reflecting all areas the district is purposing to evaluate, which areas the district intends to pull forth and then evaluate only those areas listed on the Prior Notice Consent. Data Collection: 2) Each special education teacher (EC, K-12 and speech therapist) will submit the following: <ol style="list-style-type: none"> a) 1 Prior Notice Consent for evaluation/reevaluation, b) 1 Prior Notice for the eligibility/IEP meeting c) Corresponding reports d) 1 eligibility document 	August 20, 2012	Special Education Staff	Completed April 2, 2012

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- 1) **Completed September 2011**
- 2) **The remaining 2 teachers submitted the above required material and all met requirement. Therefore 13/13 teachers have shown continued correction. **Completed****

6) GENERAL SUPERVISION

Present levels: April 12 and 13, 2011

Findings:

ARSD 24:05:25:03. Preplacement evaluation. Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual initial evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. Initial evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents.

ARSD 24:05:25:06. Reevaluations. A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation. ...

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time

Through file review the monitoring team determined the district did not meet the required 25 day evaluation timeline

in four files. Of the four files, one was an initial evaluation and three were reevaluations.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: <ol style="list-style-type: none">1) District will devise a method by which all evaluators, including related services providers, are made aware of:<ol style="list-style-type: none">a) The 25 day timeline requirement andb) The exact date their specific evaluation/s must be completed for each student being evaluated. Data Collection: <ol style="list-style-type: none">1) District will submit a description of the method they have developed to ensure all evaluations are completed within the 25 day timeline.	September 9, 2011	Special Education Director	Completed April 2, 2012

3 month Progress Report: **No submission**

6 month Progress Report: **No submission**

9 month Progress Report: Tea School District submitted a description of the method they have developed to ensure all evaluations are completed within the 25 day timeline. **Completed**